REMARKS

I. Present Status of the Application

The Office Action objected the specification because of non-descriptiveness of the title and objected claims 1-5 on the grounds of informalities. The Office Action rejected claims 1-5 under 35 U.S.C. § 112, ¶ 2, as being indefinite. The Office Action also rejected claims 1-5 under 35 U.S.C. § 102(b) as being anticipated by Kawamura et al. (US 5,737,293).

After entry of the above amendments, the title of the invention and claims 1-5 have been amended, claims 6-11 have been added, and thus claims 1-11 remain pending in the present application, with claims 1 and 8 being independent claims. Applicant believes that these changes do not introduce new matter and reconsideration of those claims is respectfully requested.

II. Response to Objections and Rejections

A. Objections to the Specification

The Office Action, at page 2, item 3, objected the specification. The Examiner asserts that the title of the invention is not descriptive. In accordance with the Examiner's request, Applicants have changed the title of the invention. Accordingly, Applicant respectfully submits that the objection has been overcome and should be withdrawn.

B. Objections to the Claims

The Office Action, at page 2, item 3, objected claims 1-5 because of informalities and required corrections of claims 1-5. In accordance with the Examiner's request, Applicants have made appropriate corrections in claims 1-5. Accordingly, Applicant respectfully submits that the objection has been overcome and should be withdrawn.

C. The Rejections under 35 U.S.C. 112, ¶ 2

The Office Action, at page 32, item 5, rejected claims 1-5 under 35 U.S.C. § 112, ¶ 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 1 as amended no longer includes the phrase "by an actuating force." While the corresponding subject matter is incorporated into the newly amended claim 2, a phrase "a force," rather than "an actuating force," is used. Please be noted that the contents of the original independent claim 5 are incorporated into the newly added independent claim 8. In the new claim 8, the phrase "in close proximity," rather than "relative close," is used.

Examiner asserts that "[in] claim 5, reference to 'a driving mechanism' and 'a holding member driving device' is confusing," and that "[t]here does not appear to sufficient structural corporation between these mechanisms to property define Applicant's invention." Please be noted that, upon the amendments, the foregoing reference to the driving mechanism and the holding member driving device is transferred to and included in the new claim 8. There is sufficient structural cooperation between these mechanisms in the amended claims as described

in the new claim 8 which incorporates the major contents in the original claim 5, because that the driving mechanism drives the holder and the base to be in close proximity for loading the disc shaped recording medium on the turntable, and when the driving mechanism is driving the holder and the base in close proximity, the holding member driving device, as installed on the base, contacts and drives the disc holding member held by the holder to detach the disc holding member from the disc-shaped recording medium. Apparently, in the claims as amended the structural corporation between the driving member and the holding member driving device are particularly pointed out to define the invention.

Applicants therefore respectfully submit that the grounds of rejections have been addressed and the rejections overcome. Reconsideration and withdrawal of the rejections is respectfully requested.

D. Rejections under 35 U.S.C. § 102(b) over Kawamura et al.

The Office Action rejected claims 1-5 under 35 U.S.C. § 102(b) as being anticipated by Kawamura et al. Applicants respectfully traverse the rejection as it applies to the amended claims for at least the reasons set forth below.

To anticipate a claim, the reference must teach each and every element of the claim. M.P.E.P. § 2131.

Claim 1, as amended, of Applicant's invention recites:

> 1. A recording medium loading apparatus capable of loading a disc-shaped recording medium, comprising:

a carrier for transferring the disc-shaped recording medium between a first position to insert/remove the disc-shaped recording medium and a second position to perform a reproducing and/or recording process; and

a holding device installed on the carrier for holding an outer circumference of the disc-shaped recording medium,

wherein the holding device is in contact with top and bottom portions of the disc-shaped recording medium by clamping the disc-shaped recording medium from the top and the bottom, and clamps a central-front portion of the disc-shaped recording medium with respect to an insertion direction.

(Emphasis added). The holding device, as recited above in the amended claim 1 of the present invention, clamps the front portion, from the top and the bottom, of the disc-shaped recording medium. Thus, the holding device is capable of holding a disc-shaped recording medium with different diameters, such as 12 cm and 8 cm. However, Kawamura et al. disclose a rather different mechanism that holding devices/hooks hold a disc by pressing against the circumferential edge of the disc along the disc's diametrical direction (Abstract; 20 in Figs. 7-9; column 4, lines 58-65). Thus, the holding hooks in Kawamura et al. can hold a disc with only one size (i.e., 12 cm in diameter).

It should be noted that, as described in the amended claim 1, the holding device also clamps the disc-shaped recording medium at the central edge near the front side with respect to the insertion direction. Thus, the holding device is capable of holding the disc at an initial insertion stage. However, in Kawamura et al. as mentioned above, holding hooks hold a disc by pressing against the circumferential edge of the disc along the disc's diametrical direction, such that the holding hooks can not actually hold the disc until the widest portion of the disc passes the holding hooks. In other words, the holding hooks are not able to hold the disc at an initial stage of insertion.

Moreover, Claim 2, as amended, of Applicant's invention recites:

> 2. The apparatus of claim 1, wherein the holding device comprises:
> a fixing portion fixed to the carrier;
> a plurality of tongue pieces, being in contact with the disc-shaped recording medium to actuate a force; and
> an elastic portion, located between the fixing portion and the tongue pieces, for the tongue pieces actuating an elastic force on the disc-shaped recording medium.

(Emphasis added). The holding device, as recited above in amended claim 2, comprises a fixing portion, tongue pieces and an elastic portion. The tongue pieces are in contact with a *front edge* of the disc-shaped recording medium with respect to an insertion direction by an inserting force.

not in claim

Kawamura et al., however, do not disclose such an element of the invention. Kawamura et al. teach instead that the loading apparatus comprises a pair of aligning device and a pair of spring reeds extending from the aligning devices, and a pair of holding hooks affixed at the end of the spring reeds are in contact with "the *rear circumferential edge* of a disc [] or the notches [] of a disc cartridge" (19 in Fig. 3; column 4, lines 54-67, emphasis added). Thus, the fixing portion and tongue pieces claimed by Applicant are significantly distinguishable from the aligning devices and spring reeds disclosed by Kawamura et al.

For at least the foregoing reasons, therefore, Kawamura et al. do not anticipate claims 1 and 2, and the rejection should be withdrawn. Since the independent claim 1 is allowable over the prior art of record, its dependent claims 2-7 are allowable as a matter of law.

No description of why claims 3-7 are not over Kawamura

In the newly added claim 8 of the present invention, the disc holding member is described as the disc lever 60 and the holding member driving device is described as disc lever driving cams 28 and 29 in one preferred embodiment of the invention. When a disc-shaped recording medium is loaded on a turntable, the holder and the base are brought in close proximity, which cause the disc lever driving cams to press on the disc lever to detach the disc lever from the disc. The foregoing provides an effective way to detach the disc lever from the disc via a rather simple mechanism.

Kawamura et al., however, do not disclose such an element. Thus, claim 8 is a distinctive invention comparing with what disclosed by Kawamura et al. Since the independent claim 8 is allowable over Kawamura et al., its dependent claims 9~11 are allowable as a matter of law.

Therefore, claims 1-11, as amended, are not anticipated by Kawamura et al. since Kawamura et al. do not disclose each and every element of the claims of the present invention.

For at least the foregoing reasons, Applicant respectfully submits that the grounds of rejection have been addressed and the rejection overcome. Reconsideration and withdrawal of the rejection is respectfully requested.

Application No.: 09/974,593 **Docket No.: JCLA8091**

CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims 1-11 are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,
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